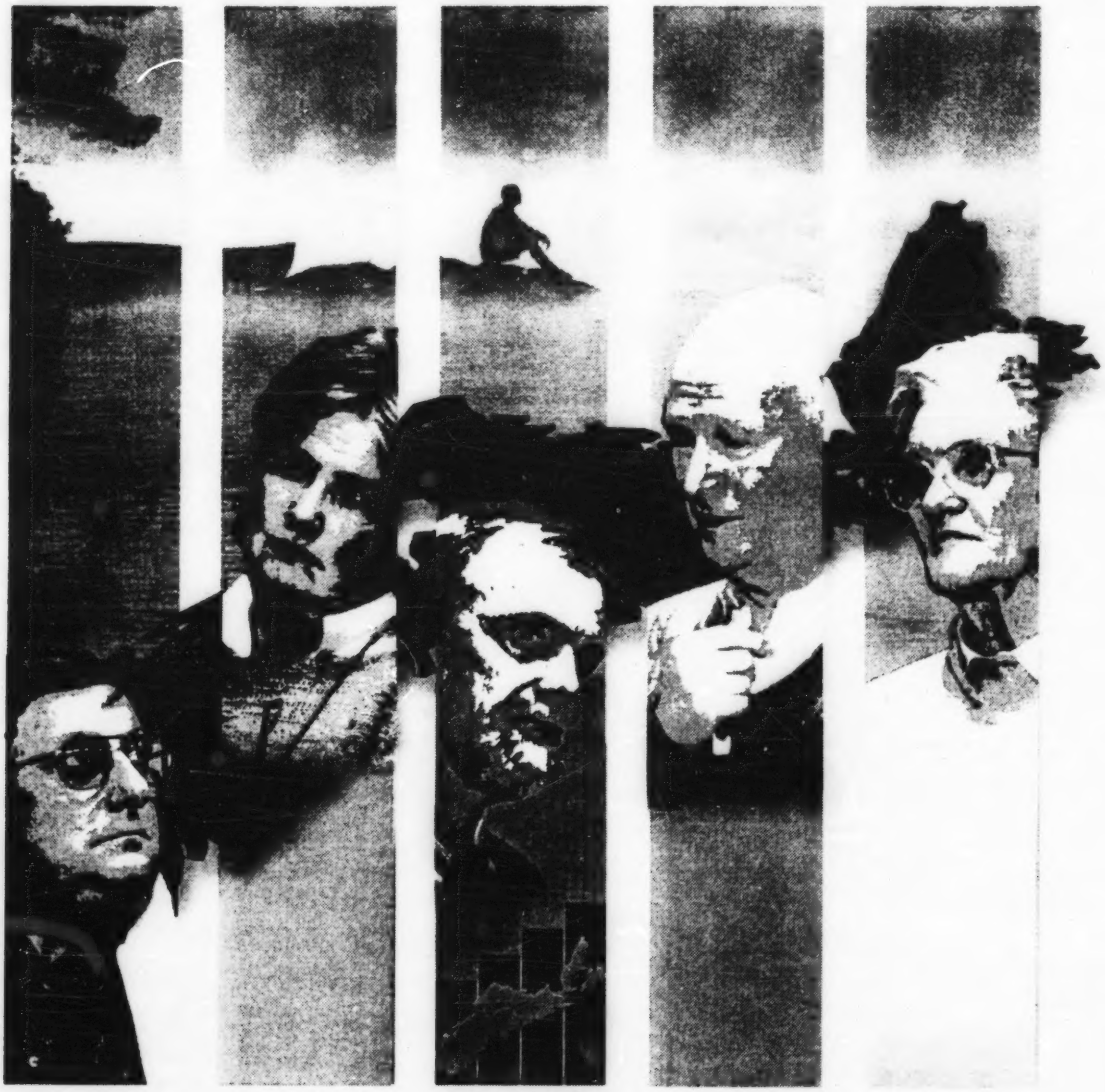
VOLUNTARY PLANNING TASK FORCE

NON-RESIDENT LAND OWNERSHIP IN NOVA SCOTIA

INTERIM REPORT - SEPTEMBER 27, 2001



VOLUNTARY PLANNING

A Citizens' Policy Forum

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ACKNOWLEDGMENTS

Our thoughts and hearts are with Arthur Bull and his family for the recent loss of their son Alex in a tragic vehicle pedestrian accident on Digby Neck. Though Arthur was unable to continue with the Task Force, we are truly grateful for his contribution to this and numerous other volunteer efforts on behalf of all Nova Scotians.

The Task Force wishes to thank all those who participated in this process to date. Everyone who took time out of their very busy schedules to attend meetings, or to thoughtfully express their views in writing, has enhanced the process of democracy in a valuable way. Each of you has made a large contribution toward making Nova Scotia a better place for all of us.

We would also like to thank the many dedicated government officials who reacted in a timely and professional manner to our various requests for information. We now have a greater appreciation for the challenging positions you occupy.

At the same time, it is with pleasure that we acknowledge the contribution of both the university system and individual graduates for the excellent quality of research they provided on this important subject.

Appreciation is also extended to the staff of Voluntary Planning for their tremendous support and guidance to our team, especially those working most closely on this project: Leo Dillman, CEO; Heather LaRoche-Mills, Office Manager; Audrey Gay, IT and Logistics Coordinator; Laura Campbell, Research Intern; and Charles McKenna, Project Manager, who assisted our efforts in such an extraordinary fashion.

FOREWORD

On April 10, 2000, the Government of Nova Scotia introduced Bill 42 that included measures to enable municipalities to levy additional property taxes on non-resident property owners. This legislation received Royal Assent on June 8, 2000. However, the section dealing with non-resident land ownership was not enacted, as the issues were not as straightforward as originally envisioned. Cabinet then called upon Voluntary Planning to hold open discussions, conduct additional research, and provide recommendations on this topic.

Voluntary Planning has a 38-year history in policy development and has earned a strong reputation for quality work and non-partisanship. The organization operates at arms length from government, obtains information on each subject from around the globe, and works toward achieving the best possible future for our province. Having said this, neither our Task Force nor Voluntary Planning sets policy in Nova Scotia. We have only the power of influence through our recommendations. In the end, elected officials make the decisions.

In this case, as in the past, Voluntary Planning assembled a dedicated team of volunteers from the private sector who could bring valuable perspectives to the topic at hand. We met first as a group on March 21, 2001, and immediately began to receive briefings from government officials. Research by Voluntary Planning staff further prepared us for an extensive series of community consultations across Nova Scotia. Over the ensuing months, we reviewed practices in other provinces, the United States, and many other countries throughout the world. We consulted with experts in this field and spent countless hours analysing documents that were prepared for a wide range of governments, even the United Nations.

Fortunately, we also received assistance in our deliberations from literally hundreds of our fellow Nova Scotians. Their creative suggestions served us well, and we are confident that our final recommendations are truly reflective of the sense of fairness and understanding so often expressed during these consultations. Indeed, this has been the highlight of our entire experience and has reinforced our pride in the society in which we reside.

On a final note, I would like to express my most sincere appreciation for the work of all of the members of our Task Force. Their commitment to our province is second to none, and it is their collective wisdom that has made this report possible.

Please take the opportunity to review our findings. We have included a response form in this interim report. Comments received by October 27, 2001 will be considered as we prepare our final report scheduled for release in November.

We welcome your comments.

Sincerely,

Mr. James W. Moir, Jr.
Chair, Voluntary Planning's Task Force on
Non-resident Land Ownership

Voluntary Planning's Task Force on Non-Resident Land Ownership assembled for the first time in March 2001. We held seventeen widely publicized community consultations throughout the months of April and May. We also called for and received submissions by e-mail, web form, fax, and regular mail.

Approximately 455 individuals attended our community consultations. Two hundred twenty-six individuals chose to send us written submissions, while another 128 opted to sign one petition. Frankly, we were surprised more people did not participate in the discussions. However, the presentations we did receive were well thought out, considerate, and detailed. Overall, we were pleased to note a prevailing sense of fairness and respect for non-resident land owners.

Suffice to say, this is a complex and emotional subject that led to many interesting debates during our Task Force meetings. We wish to acknowledge that Task Force member Lloyd Gillis has chosen to disagree with a number of our recommendations.

On the question of an extraordinary property tax on non-resident land ownership, the Task Force agreed unanimously that the provincial government should not pursue this option. We concluded that an extraordinary tax on non-residents would neither fairly, nor directly, nor adequately address the very real issues of overall land stewardship raised by Nova Scotians. The Task Force also considered and rejected the option of limiting the quantity of land owned by non-residents on the same basis.

That is not to say that statistics pertaining to land ownership and usage should not be compiled. To the contrary, while the data available today is incomplete, it has been a useful guide in formulating our recommendations. However, in the absence of reliable trend statistics and a well thought out plan as to what land use practices are ideally suited to a long-term vision for Nova Scotia, one must question the wisdom of implementing policies that may deal with fiction rather than fact. It is our opinion, therefore, that the Land Holdings Disclosure Act must be amended to strengthen and expand the information collected.

We recommend that a non-resident land owner should be defined as a person who resides in the province of Nova Scotia for less than 183 days in any given calendar year. Properties jointly owned or held by corporations should be assigned residency status based on the location of the majority owner or owners.

Of equal importance, we noted that concerns about access to coastal, waterfront, and other prime recreational areas overshadowed discussions of non-resident land ownership at most of our meetings. In order to address this anxiety, we first recommend an access audit be completed, highlighting the resources currently available to all of our citizens. This would serve as the basis for the preparation of a permanent long-term access strategy throughout all of Nova Scotia, the vast majority of which is owned by the Crown or by local residents.

In this same context, the Task Force believes that the provincial government can, and should, take a significant role in land planning and policy coordination, by creating a single arms-length agency to give clear advice on defined responsibilities in this area. This organization should have a particular focus on the coastal zone. It should be charged with the responsibility of developing a 25-year vision encompassing greater public usage of our 3,000,000 acres of Crown land and implementing an acquisition strategy leading to the preservation of more pristine assets for citizens and visitors alike.

Finally, we note an overwhelming dissatisfaction with what is perceived to be an unfair linkage between the assessment and municipal property taxation systems. Unfair, in the sense that families should not be hit with skyrocketing assessments over a short time frame, an event which many feel does lead to an inequitable escalation of property tax bills and now seems to be the norm rather than the exception. In particular, Nova Scotians are gravely concerned about the very real possibility of those on fixed incomes being forced off their properties. Although an investigation of this is outside both our mandate and the expertise of our group, we do wish to bring this issue to the attention of the provincial government as it is related to the topic of land ownership in general.

Extraordinary Taxation on Non-Resident Land Owners

See report page 11

1 Neither provincial nor municipal governments should pursue an extraordinary tax on non-resident land owners.

Possible Limits on Acreage Owned by Non-Residents

See report page 13

2 Neither provincial nor municipal governments should limit the amount of land owned by non-residents.

Tracking Non-Resident Land Ownership

See report page 17

3 The provincial government should amend and enforce the Land Holdings Disclosure Act, R.S.N.S. 1989, c.248 (introduced in 1970 and amended in 1989) and ensure a mechanism to update information as properties change hands is put in place in a timely fashion. This would ensure that an accurate and comprehensive database on non-residency status is available on which to base future decisions.

4 The provincial government should define an individual non-resident land owner as a person who resides in Nova Scotia for less than 183 days in any given calendar year. Properties jointly owned or held by corporations should be assigned residency status based on the location of the majority owner or owners.

5 The amended Land Holdings Disclosure Act should track whether a land owner is a resident of Nova Scotia, resident of another province or territory of Canada, or resident of another country. It should also capture information on property size, land use, and taxation category in order to make the database more useful for planning purposes and, in particular, to establish trends.

6 The provincial government should give Service Nova Scotia and Municipal Relations full responsibility for administering and enforcing the amended Act. The department should report publicly each year on the status of non-resident land ownership in Nova Scotia.

See report page 21

Planning: A Need for Greater Long Term Vision

7 The provincial government should establish or designate an agency at arms length from government (referred to as "the Agency") to advise on land use planning and policy with a particular emphasis on the coastal zone. This should involve ongoing consultations with citizens.

The mandate of the Agency should include the following:

(a) to develop a provincial interest statement on coastal coordination and planning which would offer guidance from the province to municipalities on this issue

(b) to conduct an access audit of prime recreational areas and then to develop a long-term access strategy for the benefit of both citizens of and visitors to the province

(c) to take a lead role in completing a study on current Crown land assets and usage and then to design a plan that results in greater public enjoyment of these important resources

See report page 25

Community Right of First Refusal on Unique Properties

8 Working with and on behalf of communities, the Agency should be responsible for identifying and exercising a Right of First Refusal for properties deemed essential to the quality of life and well being of the province.

9 The Agency should be responsible for seeking private funding for the purpose of either directly acquiring land or conservation easements to be held in the public domain, or providing assistance to other community organizations wishing to do so.

10 The Agency should also be provided with fixed funding mechanisms to support both its own efforts and those of other conservancy groups.

Access

See report page 27

11 As part of its study of overall Crown assets, the Agency should first undertake a thorough analysis of current Crown-owned recreation and conservation property for the purpose of developing a coordinated communications strategy. This would improve the level of knowledge among both Nova Scotians and visitors about existing opportunities for access to these prime recreational venues.

12 The provincial government should communicate all pertinent information about access rights and privileges on both private and Crown land for the benefit of citizens, visitors, and land owners alike.

13 The provincial government should commission a province-wide inventory of important traditional access paths and roads that have been used historically by community members to access prime recreational venues. The province should then vigorously pursue both legal and voluntary avenues to permanently entrench these rights of access wherever possible.

14 The provincial government should immediately increase the Department of Natural Resources' budget for acquiring recreational and conservation land from the current $80,000 to $3,000,000.

15 The provincial government should encourage private land conservation in Nova Scotia by identifying and eliminating all possible financial and administrative obstacles that currently discourage this practice.

16 The provincial government should establish a tax-exempt status to select properties that provide valuable contributions to either recreational pursuits or ecological protection through permanent easements.

17 The provincial government should support and encourage municipalities to create access easements to the coast and other waterfront areas in Nova Scotia, both through legislation and in other ways.

18 Both provincial and municipal governments should make every effort to strengthen enforcement of existing laws dealing with vandalism, littering, or other abuse of property in Nova Scotia and, if necessary, to toughen these laws. This would encourage private land owners to allow access to their property.

19 The provincial government should review liability laws, should simplify such rules where ever possible, and should clearly explain these regulations to Nova Scotians who are willing to open up their properties. The intent is to reassure private land owners that they will not be responsible for the actions of those granted the privilege of using their land.

20 The provincial government should request a two-year moratorium on privatization of federal properties.

Recommendation

1 **Neither provincial nor municipal governments should pursue an extraordinary tax on non-resident land owners.**

Background

Bill 42, the Municipal Law Amendment Act (2000), received Royal Assent on June 8, 2000. This legislation includes a controversial proposal in Section 38 that enables municipalities to impose additional taxes on residential and resource property owned by non-residents.

The provincial government decided not to enact Bill 42 as passed and put Section 38 on hold pending further review. It created this Task Force to find out if Nova Scotians support extraordinary taxation, to receive input regarding the definition of non-resident, and to consider the potential reaction of the international community.

What We Heard

Non-resident land ownership is an emotional issue for many Nova Scotians. While this was certainly evident during our consultations, the vast majority of comments revealed the utmost respect for residents and non-residents alike. In fact, the Task Force listened to many Nova Scotians who very clearly wanted all land owners treated fairly and equally, with no distinction based on place of residence.

"A non resident tax will be an engine, not for economic growth, but for a flight of capital."

Non-residents spoke or wrote descriptively about the many contributions they make despite their limited stays in our province. Their submissions frequently pointed out that non-residents use fewer municipal services than permanent residents and, therefore, already pay a premium on property tax.

Some Nova Scotians who were in favour of imposing a non-resident tax provision were concerned about diminishing access to favorite recreation areas, while others expressed frustration about skyrocketing land values and reduced availability of property. Some cited unfair competition due to unequal values in wealth and cur-

"I feel higher property tax is a must because a non resident doesn't pay income tax or HST."

rency, and others simply saw an extraordinary tax as a good way to raise money for one or more causes.

As we travelled throughout the province and heard from more people, however, we were drawn into discussions about broader concerns related to the overall matter of land stewardship. It soon became apparent that this subject is very complex and more multi-dimensional than originally contemplated. Thus, while the original mandate of this Task Force was to focus exclusively on the taxation issue, we felt obliged to expand our efforts into other areas of consideration.

Rationale for Recommendation

In our deliberations, the Task Force concluded that an extraordinary tax on non-residents would neither fairly, nor directly, nor adequately address the many important land use issues raised by Nova Scotians.

Detailed maps and charts were available on our web site and also displayed at community consultations. Although we have serious concerns with the accuracy of data presented on behalf of the provincial government, it is nonetheless useful to consider this information in broad terms. Of the 550,000 properties in our province, 32,027 were identified as being owned by non-residents. We understand that more than half of these properties are in the possession of other Canadians, and of this majority, a great number are former Nova Scotians. As a result, we are left with approximately 16,000 properties, or 2.9 per cent of those 550,000 parcels being owned by non-Canadians.

A large majority of those we heard from felt that other Canadians and, especially, Nova Scotians living and working abroad should be exempt from the new tax. Accordingly, the Task Force concluded that it would not be fair to single out the small remaining number of non-Canadian land owners as the sole contributors to all problems related to access, escalating assessments, or the lack of available shore-front property.

Nova Scotia gains both culturally and economically from the presence and investments made by non-resident land owners in our communities. We should not discourage such a valuable and positive influence on our economy and society.

Therefore, as mentioned before, while recognizing the very real concerns raised throughout this process, the Task Force believes that the solution to access, land use, and planning will not be resolved by imposing a tax on non-resident land owners of Nova Scotia property.

Possible Limits on Acreage Owned by Non-Residents

Recommendation

2 **Neither provincial nor municipal governments should limit the amount of land owned by non-residents.**

Background

Of the approximately 13,000,000 acres of land in our province, about 25 per cent, or over 3,000,000 acres, is owned by the provincial government (Crown Land). The remaining 75 per cent is privately owned by residents and non-residents. Aproximately 5 per cent of our coast is owned by the Province of Nova Scotia. The rest is privately held.

The provincial government's Background Information on non-resident land ownership in Nova Scotia identified non-residents as owning 6.4 per cent of the Province, 16 per cent of the coastline and 6.8 per cent of non-coastal waterfront land. On the high side of the range, Digby, Annapolis, and Shelburne counties report non-resident ownership approaching 30 per cent of the coastline.

Another way of looking at these figures is to recognize that those of us who live in Nova Scotia still own over 94 per cent of all private property in the Province, 84 per cent of the coastline and 93.2 per cent of non-coastal waterfront land.

It is interesting to note again that over 50 per cent of properties identified as being owned by those outside of the province belong to other Canadians. In other words, less than 2.9 per cent of the individual properties existing in Nova Scotia are owned by non-Canadians. Unfortunately, we do not have a complete picture of past years that we could compare with today's figures. Having said this, historical data that did come into our possession appears to indicate little change in overall ownership levels during the past two decades, with the possible exception of one or two areas of the province.

Our Task Force reviewed the Prince Edward Island approach to controlling non-resi-

dent land ownership. On the Island, a non-resident person or corporation or a resident corporation must make application for purchases in excess of 5 acres or having a shore frontage in excess of 165 feet. No person can hold more than 1,000 acres, while a corporation can hold a maximum amount of 3,000 acres of land (PEI Lands Protection Act, 1982).

During conversation with the Island Regulatory and Appeals Commission (IRAC), the Task Force discovered that, while the upper limits on both individual and corporate land holdings are strictly enforced, few applications for more than 5 acres are rejected. Indeed, between the years 1992 and 2001, non-residents submitted 907 applications to IRAC. Of these, only 37 were denied, a 4 per cent rejection rate.

The Task Force reviewed many other jurisdictions with wide ranging methods to control non-resident ownership. Many of those locations have restrictions that are unrelated to concerns expressed by Nova Scotians (security of borders, for example, in Spain and Italy, or restraints on the ownership of agricultural lands in a number of states and provinces). Readers seeking more detailed information should review our bibliography for comprehensive reports that contain excellent descriptions of approaches used by other countries.

What We Heard

"It appears that some local people would like to see the cost of waterfront properties remain low; that is until they want to sell their property."

Of those seeking limits on the amount of land owned by non-residents, many worried about a future where their children could no longer afford to buy land that they feel is their cultural birthright. In these comments, many attributed concerns about access, high prices, and a limited selection of properties to non-resident land owners. We found no evidence to confirm that non-residents are creating these problems. We were told by the Provincial Assessment Office that the vast majority of transactions, at least within a two hour drive of Halifax, are conducted by Nova Scotians.

A number of those responding to the Task Force looked at the issue from an impact perspective. They suggested that residents and non-residents alike cause the same effect when it comes to the above issues. Many said it was not fair to target non-residents alone.

A theme on speculation also emerged among those favouring limitations. Some identified speculators as those who purchased large tracts of land with no immediate development plans. They perceived this as negative because the land was then not available to local residents and could not be expected to generate any increase in tax revenue for the municipality in the near future. Ironically, others defined speculators as those who also buy large tracts of land and immediately launch into subdivision and housing developments. This could be considered either a positive or negative

thing, depending on the community's need or desire for economic development. Still others maintain that large pieces of undeveloped land actually contribute to the preservation of the pristine environment we love so much.

Economic factors were certainly on the minds of those in the real estate industry, people directly working in the construction industry, retailers, restaurateurs, and others who felt that non-residents were an integral and irreplaceable part of the rural economy. They believe any punitive measures directed toward this vital business, either through higher taxes or limitations on acreage, would have serious negative implications.

Those who advised the Task Force to look to the Prince Edward Island approach felt that non-residents should not be permitted to purchase property larger than a specified acreage. The recommended limit varied from 5 to 25 acres, with the most common response being 10 acres.

Rationale for Recommendation

The Task Force concluded that no limitations should be placed on the amount of land owned by non-residents. While the question of how much land an individual needs for a home or a retreat was discussed, no single answer emerged, and opinions ranged all over the map. While some prefer non-resident ownership to be restricted to about 5 acres, many others are adamantly opposed to government interference in the freedom to buy and sell land.

The following points should also be noted:

- Restricting the purchase of land by non-residents could reduce the liquidity or value of land owned by Nova Scotians.

- We found no empirical evidence that restrictions of this type in other jurisdictions have influenced the number of non-residents, the ultimate collective acreage they own, or land prices. This includes Prince Edward Island where authorities enforce upper limits on acreage owned by individuals and corporations, but no direct control is placed on the purchase of smaller properties, and few requests to purchase properties up to the upper limit are denied.

- Restrictions of this type will ultimately lead to more development in prime recreational areas, not less. The smaller the size allowed, the greater the number of lots which must be created in any one area, and the greater the congestion which will result. This does not seem conducive to preserving our current environment.

- We have no accurate or reliable statistics to assess the current acreage size of private non-resident land holdings in Nova Scotia. Therefore, we feel it would be entirely unprofessional to even consider this type of legislation in the absence of facts.

- We saw no evidence to support the belief that the purchase and hoarding of land purely for investment or speculation is a problem, no evidence to support the belief that non-residents are hoarding land, and no evidence to support the belief that non-residents have less respect for the environment than Nova Scotians.

Recommendations

3 **The provincial government should amend and enforce the Land Holdings Disclosure Act, R.S.N.S. 1989, c.248 (introduced in 1970 and amended in 1989) and ensure a mechanism to update information as properties change hands is put in place in a timely fashion. This would ensure that an accurate and comprehensive database on non-residency status is available on which to base future decisions.**

4 **The provincial government should define an individual non-resident land owner as a person who resides in Nova Scotia for less than 183 days in any given calendar year. Properties jointly owned or held by corporations should be assigned residency status based on the location of the majority owner or owners.**

5 **The amended Land Holdings Disclosure Act should track whether a land owner is a resident of Nova Scotia, resident of another province or territory of Canada, or resident of another country. It should also capture information on property size, land use, and taxation category in order to make the database more useful for planning purposes and, in particular, to establish trends.**

6 **The provincial government should give Service Nova Scotia and Municipal Relations full responsibility for administering and enforcing the amended Act. The department should report publicly each year on the status of non-resident land ownership in Nova Scotia.**

Background

The Task Force had concerns about the accuracy of maps and statistics that were provided to share with citizens.

The reasons for this concern are twofold. First, we had to use the Assessment database to identify a non-resident. This meant that a non-resident land owner was any-

one who received a property tax assessment at an address outside Nova Scotia. However, some non-residents have their assessment notices sent to a local address and were not, therefore, distinguished as non-residents. Second, there was a database coding flaw that caused information gaps when the mapping centre merged its evidence with the Assessment rolls. Because of this technicality, a number of non-resident properties did not get mapped.

The Land Holdings Disclosure Act, which has been in place for over 30 years, was designed to collect the information our Task Force needed, the land holdings of non-residents. However, since the information was not being collected in accordance with the Act, we had to use the incomplete information that was available through Assessment data. In any case, the Act has been widely analyzed and criticized in numerous government and academic reports. Each source identifies a common set of loopholes and administrative weaknesses.

The following list points out those flaws commonly referred to by others:

- No method of tracking subsequent sales by non-residents was included.
- A good complete base of information was never established at the outset.
- Penalties are light and prosecution for non-compliance has never been pursued primarily because the Crown has to show willful noncompliance.
- The Act never applied to cities, areas now covering large sections of the province due to the creation of regional municipalities
- The Act does not apply to corporations incorporated in Nova Scotia, those registered under the Corporations Registration Act, or those that carry on business on their land holding.
- There is no requirement to file a statement at the time of document conveyance
- Definition of non-resident is not specific.
- Definition of a non-resident corporation is not included.

What We Heard

We displayed the maps and statistics on our web site and at the community consultations. People we spoke to in every community seemed genuinely pleased to have this first-time opportunity to view a graphic depiction of the non-resident land owner situation. Despite the flaws previously mentioned, everyone felt that this was a good beginning, and the maps held up fairly well to public scrutiny. They now had at least a few pertinent facts that helped them to formulate a more meaningful perspective on a subject that they had discussed amongst themselves on numerous occasions in the past.

"The only acceptable manner to determine whether there is an issue is to produce accurate data

The following written submission from Chris Atwood of the South West Shore Development Authority gives a valuable description for the need to know more about non-resident land ownership:

> ***Given that the present data is correct, only 6.4 per cent of the land area of Nova Scotia is owned by "non-residents." This small percentage does not constitute a problem of foreign ownership of the province. However, if marked increases in the number of properties owned by non-residents are noted in the future, then the issue should be readdressed. Proper and accurate statistics on the number of non-residents owning property in the province, or in any particular region, county, or municipal unit would be important. An accurate and updated database of information that is reviewed on a regular basis would be important in identifying potential issues in the future.***

We listened at the community hearings and reviewed written submissions for comments related to current information and previous attempts to track non-resident land ownership. Beyond the most common point, that more accurate data should be collected, we identify the following as representing the views of a number of respondents:

- the maps are a good starting point
- corporate forestry holdings distort the picture
- trend analysis is needed

"The definition of a non-resident in our mobile Society is rapidly losing its meaning

Rationale for Recommendations

The Task Force recommends that the Land Holdings Disclosure Act be amended to secure an accurate base of data on non-resident land ownership as soon as possible. The provincial government should also ensure a mechanism is in place to enable the

information to be updated as properties change ownership. We understand that the Land Registration Act expected to be proclaimed in the fall of 2002 contains such a mechanism. Using the address list from the assessment database does not provide the complete evidence we need to make informed policy decisions.

Of equal, if not greater, importance, is the rate of change we observe. Reliable data collected over time will give us the information we need to address issues of societal concern when they arise.

With respect to trends in real estate, for example, it is interesting to note that our research did reveal what appears to be a fairly comprehensive study on land ownership in Nova Scotia as far back as 1983. This information was obtained from provincial government files. Once again, as is the case with today's data, there are some who question the accuracy of these figures. Perhaps this is so. But out of curiosity, we compared this body of work with current statistics and noted what appears to be an actual decline in non-resident ownership over this span of 18 years. While we did not use this information as the basis for any of our recommendations, if nothing else, it highlights the need for reliable trend data so as to put these and like matters in the proper perspective.

We believe a non-resident should be defined as a person who resides in the province of Nova Scotia for less than 183 days in any given calendar year. Properties jointly owned or held by corporations should be assigned residency status based on the location of the majority owners. We recognize there is a challenge for those attempting to validate this residency standard, but it is a task that needs to be addressed.

We recommend that an additional range of information be captured as part of the revised Disclosure Act. While it is important to be able to identify if a property owner is a permanent resident of Nova Scotia, another province or territory, or another country, it can be equally valuable to know about land use, taxation category, and property size. By collecting this information, the reasons for tracking non-resident land ownership become more evident. In fact, planning at all levels could benefit from the ability to tap into such records for every property in Nova Scotia.

It is the opinion of the Task Force that Service Nova Scotia and Municipal Relations is in the best position to administer and enforce the amended Act. We believe that annual reports on non-resident land ownership should be produced and trends reported. The Department should also undertake more focused research to answer specific questions and to look at regions with already high or increasing levels of non-resident land ownership.

Planning: A Need for Greater Long Term Vision

Recommendations

7 **The provincial government should establish or designate an agency at arms length from government (referred to as "the Agency") to advise on land use planning and policy with a particular emphasis on the coastal zone. This should involve ongoing consultations with citizens.**

The mandate of the Agency should include the following:

(a) to develop a provincial interest statement on coastal coordination and planning which would offer guidance from the province to municipalities on this issue

(b) to conduct an access audit of prime recreational areas and then to develop a long-term access strategy for the benefit of both citizens of and visitors to the province

(c) to take a lead role in completing a study on current Crown land assets and usage and then to design a plan that results in greater public enjoyment of these important resources

Background

In the early 1970s, a select committee chaired by the Honourable Leonard Pace Q.C. conducted a review of non-resident land ownership. The Committee resolved that better planning was the real issue:

> *... It is the conclusion of the Committee that the problem is not one of the purchase and sale of land but the use of land (Pace, 1974).*

In Nova Scotia land-related planning is primarily the jurisdiction of the municipal level of government. There is some question about the capacity now in place and the resources available for comprehensive policy development and land use planning. This capacity varies across the municipalities. We understand that Kings County

employs four planners and has made concerted efforts on a countywide land use policy. Some other municipal units do not employ professional planners at all.

"There should be a master plan for development which is reviewed periodically and money should be set aside for the acquisition of property which is unique to an area ..."

The lack of jurisdiction does not mean the province cannot provide leadership and direction. One such effort initiated by the province was Coastal 2000. This policy and planning document embodied a vision of sustainable development as it pertains to our vital coastal resources; conservation and preservation of the critical coastal environments that support those resources; a community-based approach to managing and developing these assets; and an integrated, sound environmental management path to the planning and economic development process.

This valuable effort attempted to address the fact that Nova Scotia, with its 9,000 kilometers of coastline, has no accepted coastal strategy nor a vehicle through which such a strategy could be deployed. Perhaps this work could be revisited as part of any future coastal planning efforts.

What We Heard

A number of those participating in the consultation process cautioned us that municipal planning capacity across the board is not sufficient. Others called for the need for a greater provincial role in planning.

"Please work on zoning and coastal protection. Instead of lashing out– move ahead with clear zoning and environment/ protection plans."

Additional speakers and written submissions commented that we, as a province, need to do a better job of protecting the environment. We were repeatedly bombarded with complaints with regards to clear cutting on forestry land, for example. While citizens are supportive of those in the lumber industry in general, there can be no doubt about the anger expressed over the manner in which clear cutting practices are destroying the beauty of our land along highways and within sight of many communities. Again, better planning was identified as a necessity.

Words like vision, coordination, and strategy were mentioned over and over again in conjunction with better access and overall protection of the coastal zone.

Rationale for Recommendation

By far the majority of the people speaking on this subject of planning feel that land stewardship is the responsibility of all members of our society. Who owns the land is not as important as planning for long-term land use, understanding the nature of the resources that are already in the public domain, and establishing a strategy to enhance these assets as time goes by.

Our research identified working models such as the California Coastal Commission and the Countryside Agency in England. These organizations have successfully developed coordinated approaches to access strategies and comprehensive land use planning. We believe this is a valuable source of information and a positive direction for Nova Scotia to follow.

The Task Force agrees that a coordinating mechanism has been a missing link in attempting to deal with issues related to land planning. Thus, we recommend that the provincial government establish the Agency to advise on all policy, research, and planning on land-related issues, with a particular emphasis on the coastal zone.

At the municipal level, the Agency should advise and support. At the provincial level, the Agency should lead strategic efforts such as the creating of a vision for the coastal zone and developing access strategies. As one of its first steps, the Agency should develop a provincial Interest Statement for coastal coordination and planning. This would establish a clear role for the organization and define provincial expectations for municipalities with respect to land planning overall.

It is clear that access ranked very high on the scale of important issues for Nova Scotians. We recommend that a comprehensive audit on access be conducted and an access strategy be developed. Furthermore, in the next section of the report we make several specific recommendations on access based on what we think should happen.

We believe the Agency should continue efforts and take the lead role in analyzing what recreational venues now exist on Crown land. This work should also look at further opportunities to develop existing Crown land for recreational purposes.

As part of this process, the Task Force suggests the Agency hire an expert in coastal planning and coordination as a senior executive. Coastal issues will most certainly be front and centre as the Agency gets up and running. The balance of this administrative body must have related qualifications in additional fields, as their mandate applies to all other land masses as well.

In conclusion, we believe good planning throughout the province will go a long way toward eliminating potential conflicts between residents and those from away, perhaps even between government bodies and the citizens they represent. Visionary planning will protect visitors and Nova Scotians alike, all of whom appreciate the environment in which we live. A lack of planning, however, leads to finger pointing, whether properly directed or not. Non-residents seem to bear the brunt of our frustration in this regard, despite the fact that they represent only a small fraction of Nova Scotia's land owners.

Community Right of First Refusal on Unique Properties

Recommendations

8 **Working with and on behalf of communities, the Agency should be responsible for identifying and exercising a Right of First Refusal for properties deemed essential to the quality of life and well being of the province.**

9 **The Agency should be responsible for seeking private funding for the purpose of either directly acquiring land or conservation easements to be held in the public domain or providing assistance to other community organizations wishing to do so.**

10 **The Agency should also provided with fixed funding mechanisms to support both its own efforts and those of other conservancy groups.**

Background

There are properties in communities throughout Nova Scotia that ideally belong in the public domain. These are generally those areas offering significant recreational or conservation value. In many cases, communities have little knowledge of the sale of such properties.

The first step to be taken, therefore, is to identify these locations as part of the planning process. Knowledge is the key to action. Without this type of information we are left to react to events long after they have occurred.

Once this inventory has been created, provisions should be made to require notice to the Agency whenever a sale is likely to take place. To the extent that funds are available, the Agency, acting directly on behalf of the Crown, or in tandem with community groups such as the Nature Conservancy, will facilitate the purchase of lands to be held in the public trust.

These transactions are not intended to interfere with the normal functioning of the marketplace. The Agency will simply have a Right of First Refusal.

"Too short a view of the future of land use in the province could see us sell out to the highest bidder without encouraging or protecting our most valuable assets and investments."

Research revealed a Scottish policy proposal that gives accredited community organizations special rights to enable localities to regain control of important property. That proposal attempts to guarantee notice of sales and give communities, or individuals within the community, a fair shot at making the purchase (Scottish Executive, 2001).

Our approach would guarantee notice of sales through a coordinating authority, thereby providing a level playing field in Nova Scotia for the benefit of future generations, including those who come to visit our shores.

What We Heard

At several of the community consultations, Task Force members listened to individuals frustrated by a lack of notice when important properties in their communities were being put up for sale. People referred to companies that advertise Nova Scotia exclusively on the international market. Some even suggested that the Task Force recommend that all properties be offered locally before being offered to outsiders.

"I think the $20 fee for a land bank fund is a great idea, but those with multiple properties should only have to pay on a single parcel each year. I also believe that some portion of lottery funds or a similar mechanism should be found so as to include all Nova Scotians in this wonderful concept as it benefits everyone."

Many people we spoke to around the province favoured the idea of putting in place creative ways to raise money for the purchase of property on behalf of the public. This included a positive response to a $20.00 per property fee collected annually to develop such a fund. Even this small fee would raise over $10,000,000 a year for this cause. However, people were in favour of this fee only if the fund would not be administered directly by government. Many also felt that the current provincial government would not likely back such an idea due to an earlier statement that taxes would not be raised.

Rationale for Recommendation

While it is important that the market determines the value of land in Nova Scotia, the Task Force believes that giving the Agency the Right of First Refusal on select properties is a positive way to give communities and citizens a significant opportunity to invest in their environmental future.

The Task Force believes that the Agency should be authorized to raise and distribute external funds to acquire additional prime recreational and conservation property. In addition, some sort of public mechanism ought to be considered. Creativity is needed. We suggest a $20.00 annual per property fee as a source for such a fund. Other ideas include a portion of lottery dollars, custom license plates, or a per property listing fee for the real estate industry.

Recommendations

11 As part of its study of overall Crown assets, the Agency should first undertake a thorough analysis of current Crown-owned recreation and conservation property for the purpose of developing a coordinated communications strategy. This would improve the level of knowledge among both Nova Scotians and visitors about existing opportunities for access to these prime recreational venues.

12 The provincial government should communicate all pertinent information about access rights and privileges on both private and Crown land for the benefit of citizens, visitors, and land owners alike.

13 The provincial government should commission a province-wide inventory of important traditional access paths and roads that have been used historically by community members to access prime recreational venues. The province should then vigorously pursue both legal and voluntary avenues to permanently entrench these rights of access wherever possible.

14 The provincial government should immediately increase the Department of Natural Resources' budget for acquiring recreational and conservation land from the current $80,000 to $3,000,000.

15 The provincial government should encourage private land conservation in Nova Scotia by identifying and eliminating all possible financial and administrative obstacles that currently discourage this practice.

16 Provincial government should establish a tax-exempt status to select properties that provide valuable contributions to either recreational pursuits or ecological protection through permanent easements.

17 The provincial government should support and encourage municipalities to create access easements to the coast and other waterfront areas in Nova Scotia, both through legislation and in other ways.

18 **Both provincial and municipal governments should make every effort to strengthen enforcement of existing laws dealing with vandalism, littering, or other abuse of property in Nova Scotia and, if necessary, to toughen these laws. This would encourage private land owners to allow access to their property.**

19 **The provincial government should review liability laws, should simplify them if necessary, and should clearly explain them to Nova Scotians who are willing to open up their properties. The intent is to reassure private land owners that they will not be responsible for the actions of those granted the privilege of using their land.**

20 **The provincial government should request a two-year moratorium on privatization of federal properties.**

Background

The subject of access to prime coastal areas was not a prominent issue when we started as a Task Force. We quickly learned, through the community consultations and the other ways by which we conferred with citizens, that access to prime recreational areas is of utmost importance to Nova Scotians. What also became clear is that we, as a province, do not have an accurate understanding of the level or degree of our current access opportunities. So, without hard, objective facts and numbers, it is difficult to develop clear recommendations on this topic.

There are also complex legal issues surrounding this term "access." While we were inundated with information addressing these points, the more we read, the greater our appreciation became for the confusion in the minds of the public.

But despite the lack of objective information, the vast majority of people who communicated with our Task Force maintained the unmistakable viewpoint that access is a huge issue, and those citizens are really worried about what they feel is a declining trend.

We also noted that, for a variety of possible reasons, there seemed to be a clear lack of appreciation for the amount of recreational resources that have already been set aside for public use to date. We were unable to determine whether these feelings should be attributed to poor communications on the part of the government, or to demands on the part of Nova Scotians that go beyond the realm of possibilities, no matter how hard we try to accommodate everyone's needs.

For example, people living in large urban cities like Halifax do not expect to have access to wilderness areas to the same extent as those who live in the country. Indeed, city folk may have good reason to be envious of those who live fifteen minutes or so from a public beach or a federal park. On the other hand, while certain individuals living in rural areas expressed the view that there were ample opportunities for access, many others disagreed strongly. This posed a real dilemma for the Task Force.

What We Heard

"People need to know what access is available and what their rights are to access waterfront."

A written submission by Mr. John Janmaat, with the Department of Economics, Acadia University, offered this advice:

> *The provincial government has stated that it wants to make this province the best place in Canada to live, in terms of quality of life. I submit that easy and accessible land which is open to the public for recreational purposes-biking, swimming, skiing, snow mobiling, etc.-makes a great contribution to the quality of life for the average Nova Scotian. If we are to protect access to this valuable resource then we must act both quickly and wisely.*

Increasing the amount of Crown Land held by the province on behalf of citizens was raised as a solution to access on many occasions. Although nobody advocated a wild spending spree, many lamented the missed opportunity to add a few world-class signature properties to existing Crown holdings.

The degree of uncertainty and confusion on the subject of access rights initially surprised the members of the Task Force. People were unsure of what rights they had to legally cross private land. People referred many times to the Angling Act, the Private Lands Protection Act, and traditional rights of access. In most cases, confusion and uncertainty dominated much of the conversation on this subject.

A number of people suggested that traditional pathways across private lands were increasingly being gated. One person gave us a long list of sites which in recent years have seen land owners withdraw, in one way or another, public access privileges. In his submission, he noted that it was the permanent residents that pose the most difficult problems.

As a rationale for trying to keep people off their properties, several presenters mentioned worries about being held liable for injuries incurred by welcome or unwelcome visitors. Others voiced reservations due to those who vandalize property intentionally or cause harm through inattention or lack of respect for the environment.

We heard, a number of times, about private land conservation being part of the solution. At the same time, people described a variety of reasons as to why private land conservation in Nova Scotia is not an attractive option for all but the most determined and, for that matter, well-off land owners.

Others identified the abandonment by the federal government of long-standing wharves, public roads, and lighthouse properties as a cause for great concern. Many people felt powerless to change the course of events that would have lighthouse properties (perhaps the most identifiable symbol of this province) shifted from public to private hands.

The story of what we heard on access would not be complete without referencing more than a few of the respondents who challenge the provincial government to follow the lead of European countries by legislating access rights in undeveloped and uncultivated areas over private land. One submission identified the solution as simple–expand the Angling Act to allow passage to all coastal lands, waterfront areas, and other recreational areas on foot. Others felt increased rights should be extended along the coast to some point above the ordinary high water mark.

Rationale for Recommendations

The Task Force concluded that a number of immediate and longer-term initiatives should be undertaken to address many of the issues related to recreational access and land conservation. We believe that doing a good job in this area goes hand in hand with quality of life.

We all need to get a better handle on how much recreation and conservation property we have already, how it is distributed, and the potential for further development of existing Crown land. Concerted efforts must be made to make this type of information available to the general public. This educational awareness campaign should also include information to clarify access rights.

The Task Force strongly agrees with those who hope existing access can be protected. We suggest that an inventory of traditional public access ways throughout the Province be recorded. Every possible effort should be undertaken to entrench these rights for the benefit of the general public. We believe this step alone would alleviate much of the concern we heard expressed throughout the province on the subject of land ownership.

Crown acquisition of vital recreational and conservation property must continue on a scale that gives the Department of Natural Resources the ability to make an impact.

We believe this can be accomplished by allocating $3,000,000 to the Department of Natural Resource's annual budget for this purpose. If we act quickly, a number of signature Crown properties can be secured for the future at very reasonable prices.

In other jurisdictions, private land conservation has played an important role to improve both the environment and quality of life. The potential exists here as well, but we must identify and eliminate the obstacles that prevent people from doing great things for their communities.

We agree that a tax-exempt status category should be created for both private land conservation and offers to dedicate access. This need not cost a fortune, in that selectivity can be practiced. For that matter, the tax-free status, in most cases, need only apply to the portion of a property being dedicated in a permanent way. This would go a long way toward protecting ecologically sensitive areas and opening up access in those areas deemed most important.

The Task Force believes that municipalities should be provided with whatever support is required to create access ways in their communities. An example of one tool that already exists is the provision for acquiring a portion of subdivided land for green space. This right to acquire property should be exercised to the greatest extent possible for coastal waterfront development, so as to provide access to areas of high recreational value.

A number of times during our discussions, and in the written submissions, the issue of vandalism was raised as a reason for not wanting anyone to cross private property. This is unfortunate. The Task Force asks that the provincial government keep in mind the implications unchecked vandalism has on access and take every available opportunity to increase enforcement and toughen existing laws. The Task Force also believes that liability laws should be reviewed, simplified if necessary, and clearly explained, so as to reassure private land owners that they will not be responsible for the actions of those granted the privilege of using their land.

On the subject of federal privatization of infrastructure such as lighthouses and wharves, we suggest that the Province seriously consider calling for a two-year moratorium. Privatization of these landmarks affects the very identity of certain communities, and the Task Force concluded that, in many cases, the public doesn't have sufficient information. Disposal or privatization should only proceed with full disclosure and strong community participation. Opportunity for broader public input is being sought by both communities and this Task Force.

The Task Force believes it is useful to include the following information regarding Access due to the tremendous interest in this area.

A Preliminary Examination of Existing Recreational Opportunities

For recreation opportunities, many look to Crown holdings for venues. The Task Force understands that approximately 95 per cent of Nova Scotia's 9,000 kilometers of coastal shoreline is privately owned. We also have learned that Nova Scotia ranks second lowest in Canada when it comes to the amount of land owned by the Crown, only 25 per cent. That having been said, some of our citizens told us this is a good thing. It is their belief that the bulk of our land should be held in private hands.

It is also interesting to note that Nova Scotia has 25 times the amount of Crown land held by Prince Edward Island, a marked difference since Nova Scotia has only 7 times the population. The real issue we face in our province, therefore, may not be a lack of public resources, but a matter of how we are using these assets.

FIGURE 1

Cape Breton Island

Privately Owned Land

Federal Crown Land

Nova Scotia Crown Land

Cape Breton Island, we are told, rates fairly well for recreational opportunities on Crown land, at least in relative terms. Figure 1, on page 32, shows the location of private, provincial, and federal property. Figure 2, below, highlights the locations of coastal and major inland shoreline where the Crown is the landowner.

We need to examine this entire issue more closely, in every county of Nova Scotia, to determine where these Crown lands are located, how accessible they are to the public at large, and how we can we turn this 3,000,000 plus acres into recreational havens that will become the envy of the world. Integrated Resource Management currently being carried out by the Department of Natural Resources is an example of initial steps being undertaken.

What We Discovered

At the present time in Nova Scotia, legislation that permits a person to enter on another's property is very limited. Entering on any private property without permission or statutory authority is trespassing. The following discussion attempts to shed some further light on the subject of access rights.

FIGURE 2

Cape Breton Island

Alex Cameron, in his book (1993) *Your Land and the Law: A Landowner's Guide to Real Property Law in Nova Scotia*, explains the basis for land ownership, what you can do on your land, and what others can do on your land:

> *It may be surprising to some that ownership of land does not include ownership of the water on that land; the Crown owns the water. In addition, the Water Act (now the Environment Act) provides that natural watercourses are vested in the Crown, including all sorts of brooks, streams, and ponds. In the words of one judge, almost every conceivable description of water sources is owned by the Crown. As a result, your property extends no further than the shore of any natural stream, swamp, lake or pond on your land.*
>
> *...The tidal shore was always treated differently by common law. The shore below the ordinary highwater mark belonged to the Crown, while the shore above the ordinary high water mark was presumed to belong to the adjoining owner. The Beaches Act carries on this distinction; it dedicates all beaches below the high-water mark for the benefit of Nova Scotians. It also permits the Government to designate land beside the beach as a beach. Such a designation restricts the owner's activities on the designated land. (Cameron, 1993)*

In addition, the text *Anger and Hornsberger Law of Real Property* (1985) by A.H. Oosterhoff and W.B. Rayner explains the following:

> *The seashore up to the point of the high water of medium tides ... is called the foreshore and is ordinarily ... vested in the Crown ...*
>
> *The public have a right to pass along or across the foreshore only in order to exercise a right of navigation or fishing, or to land from or embark on boats in cases of emergency.*
>
> *There is no public highway along the foreshore and while there is a public belief that there is a right of access to the foreshore for purposes of recreation and bathing in the sea, this belief is fallacious [which means false].*

The Task Force understands from this information that, for all intents and purposes, no public rights (only privileges) exist in law along the shores of our coast, with the exceptions of the right to fish and navigate along the Crown-owned foreshore.

The Task Force also considered the rights under the Angling Act. The Angling Act is described by Mr. Cameron as follows:

Nova Scotia statutes give people rights to enter private lands. One of the most important is the Angling Act, which permits residents of Nova Scotia to go on foot along the banks of rivers, steams, or lakes and across uncultivated lands and Crown Lands, for the purpose of lawful fishing. Owners and occupants of those lands are expressly prohibited from interfering with the angler's right of entry. This is not to say, however, that anglers are permitted to camp or drive vehicles over your land. The right of anglers is strictly limited to going on foot along watercourses and across uncultivated lands. Unlike fishermen, hunters have no rights of trespass. They must get your permission to hunt on your lands. (Cameron, 1993)

A number of people also brought to our attention a clause in the Protection of Private Property Act, suggesting it gives people rights of access on private forest land. As it turns out this is not true, as can be understood from the following passage from Mr. Cameron's book:

The Protection of Property Act makes it an offence for persons to enter certain private lands without permission or lawful authority, and provides for fines of up to $500 ... In general, the statute applies to persons who trespass in buildings, upon lawns, cultivated lands, or enclosed fields, and upon other lands where entry is prohibited by notice.

The statute does not apply to persons who trespass upon unused forest lands for the purpose of hunting, fishing, picnicking, camping, biking, skiing, or other recreational activity, even where entry is prohibited by notice.

That does not mean, however, that you cannot prevent hunters and other recreational users from trespassing upon your woodlands. If they enter without your permission they are trespassers. You may not be able to use the Protection of Property Act against them, but you can demand that they leave, and you can sue them, if necessary, to enforce your right to privacy. (Cameron, 1993)

Nova Scotia also has a long tradition of tolerance when it comes to individuals crossing private land on foot to get to a traditional recreational area. However, according to Oosterhoff and Rayner (1985), public rights of way are not created by 20 years of use the way that private or individual rights of way can be. In the case of long public usage, a public right of way may be created by a court finding that by permitting the long-term public usage, the owner no longer can claim not to have dedicated the right of way for use by the public. However, these court decisions would be based on each fact and situation. Elaboration on this particular area of law is beyond the scope of our report.

There was considerable discussion during our consultations on the entire subject of assessments and property taxation. There is also a fair amount of confusion as to the link between assessments and levels of taxation. While we will make no specific recommendations on this subject, the Task Force has heard from many citizens who are upset about rising assessments. We want to bring these concerns to the attention of the provincial government.

For most, the argument that the assessment process is unfair relates to a situation where a non-resident or wealthy local homeowner moves in next door to a modest family homestead. The fear is that this change for the modest homeowner will result in an unfair increase in his/her assessment rates.

As a partial solution, some people offered the opinion that something must be done to protect the owners of these homestead properties from escalating assessment rates, particularly those held by families on fixed incomes. The Municipal Government Act does enable municipalities to grant relief. A number of municipalities have a policy which allows for partial exemptions, in some cases only $50.00 per year.

Another suggestion was to freeze assessments after the purchase of a property. This idea was extended to allow for increases in assessment for household improvements and cost of living increases only. To a certain extent this describes the case of Florida, where legislation nicknamed Save Our Homes limits assessment increases to no more than 3 per cent and no more than the rate of inflation in one year.

Numerous countries face the issue of non-resident land ownership and handle it in a variety of ways. Some have established a special tax or impose limits on the amount of property that can be owned. We found that the reasons for taking these steps differ markedly from case to case, and many have no bearing on the issues we face in Nova Scotia.

It is the consensus of the Task Force that such measures do not speak to the core issues. We believe these issues can be better addressed through improved land planning, improved stewardship, greater access to existing Crown lands, improved information on resources currently available, and the development of an acquisition strategy which will add to current public resources.

In truth, most of the concerns that we heard are created equally by all land owners. This is not to say that the important issues do not require any attention. Yes, we need to do a better job of tracking land ownership. Long term trends and attendant conclusions can only be determined if the real facts are at hand. Land use planning, particularly coastal zone planning, deserves a higher priority in the immediate future.

We would like to hear what you think about our findings.
All responses received by October 27, 2001, will be considered in our Final Report, which is scheduled for release in November. You may submit your comments by mail or fax using the form included on the next page, by web form at http://www.gov.ns.ca/vp/nonres/index.htm, or by e-mail at volplan@gov.ns.ca.

Response Form to Interim Report: Task Force on Non-Resident Land Ownership

Please complete this form and forward it to the Task Force by mail or fax.
You may also respond by web form or e-mail. We will consider your response in our Final Report if we receive it by October 27, 2001. We will send a copy of the Final Report to everyone who provides a mailing address.

By mail: Voluntary Planning, Suite 600, 1690 Hollis Street, Halifax, Nova Scotia B3J 3J9.
By fax : (902) 424-0580 **By e-mail:** volplan@gov.ns.ca
By web form: http://www.gov.ns.ca/vp/nonres/index.htm

Name: _____

Organization, if applicable: _____

Are you representing your organization in this response?: ☐ yes ☐ no

Address _____

City/Town _____ County _____

Province _____ Postal Code _____

Country _____

Phone _____ Fax _____

Email _____

Occupation: _____

Please respond to each section of the report in the space provided.
If you need more space, you may attach other sheets.

1 **Extraordinary Taxation on Non-Resident Land Owners**

_____

_____

_____

2 **Possible Limits on Acreage Owned by Non-Residents**

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3 **Tracking Non-Resident Land Ownership**

4 **Planning: A Need for Greater Long Term Vision**

5 **Community Right of First Refusal on Unique Properties**

6 **Access**

7 **Assessment**

8 **General**

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Task Force Communications

Sandy Foy, Island Regulatory and Appeals Commission
Todd Burt, Service Nova Scotia and Municipal Relations
Ginger Breedon, Island Regulatory and Appeals Commission
Andy Cameron, Department of Fisheries and Agriculture
Rob Dorion, Service Nova Scotia and Municipal Relations
Cathy Gillis, Service Nova Scotia and Municipal Relations
Dave McKinnon, Department of Environment and Labour
Rosalind Penfound, Department of Natural Resources
Laurel Russel, Department of Natural Resources
Chris Trider, Department of Natural Resources
Brant Wishart, Service Nova Scotia and Municipal Relations
Stephen Feist, Service Nova Scotia and Municipal Relations

Cases, Statutes, and Legislative Materials

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Nova Scotia, *Conservation Easements Act*, Revised Statutes of Nova Scotia (1992), c.2.
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Nova Scotia, *Land Registration Act* (2001), c.6

Schedule of Community Consultations

APPENDIX 1

Monday, April 30, 2001	**Cornwallis Park**
	Kespuwick Training Centre Theater, Clock Tower Building
Monday, April 30, 2001	**Antigonish Fire Hall**
	Beech Hill Road
Tuesday, May 1, 2001	**Yarmouth**
	Yarmouth United Church, 25 Beacon Street
Tuesday, May1, 2001	**Port Hawkesbury Nautical Institute Theater**
	Strait Area Campus, 226 Reeves Street
Wednesday, May 2, 2001	**Shelburne**
	Trinity United Church Hall
Thursday, May 3, 2001	**Lunenburg Fire Hall**
	25 Medway Street
Thursday, May 3, 2001	**Pictou**
	Pictou United Church
Monday, May 7, 2001	**NS Community College (Halifax)**
	1825 Bell Road, Lecture Theater
Monday, May 7, 2001	**Tatamagouche**
	Tatamagouche Centre
Tuesday, May 8, 2001	**Musquodoboit Valley Bicentennial Cultural Theater**
	Main Floor, 12690 Highway #224
Wednesday, May 9, 2001	**Windsor**
	Windsor Community Recreation Centre, Thomas Street
Monday, May 14, 2001	**Parrsboro**
	Parrsboro Fire Hall
Tuesday, May 15, 2001	**Upper Tantallon**
	St. Luke's United Church, 5374 Highway 3, 4 Westwood Blvd.
Tuesday, May 15, 2001	**Baddeck**
	Greenwood United Church, Lower Hall, Twining Street
Thursday, May 17, 2001	**Sheet Harbour**
	Masonic Hall
Thursday, May 17, 2001	**Whitney Pier**
	Trinity United Church Hall, 15 Matilda Street
Thursday, May 24, 2001	**Liverpool**
	The Royal Canadian Legion, Branch 38, 64 Henry Hensey Dr.

List of Those Who Made Written Submissions

Acton Roth, Nancy
Arthur, Michael
Atkinson, Jesse Duffy
Atkinson, John and Peggy
Atwood, Chris, South West Shore Dev. Authority
Austen, Janet and Walter
Ayer, Loman M.
Bacon, Crystal
Bailey, Annabelle
Balch, Toby
Basler, Heidy
Baxter, John, Athol Forestry Cooperative Limited
Bayer, H. Fulton
Beaton, Elizabeth, Whitney Pier and Area Development Association
Bell, Martin E. and Cheryl
Benard, Kathi
Bernard, A.J.
Berry, Paul R.
Brooks, Dr. Kent
Brown, Kathy, Nova Scotia Lighthouse Preservation Society
Brown, Mary M.
Buchanan, Jessie C.
Buchanan, Brian and Linda
Buechter, Eva Marie, Athol Forestry Cooperative Limited
Bullerwell, Randy
Burch, Judy
Burch, Dana
Burtt, M. Edward
Bush, Sharri - First Name on a Petition signed by 128 individuals
Bush, Sharri, Friends of Crescent Beach Grey Bay and Area Society
Bustin, Marion
Butlin, David, Sell-Tech Coastal Realty
Calder, Clarence
Carmichael, Frank
Carthew, Haig
Case-Harlow, Joyce, Joyce Case Realty
Castonguay Rosati, Diane
Chisholm, Blair
Cleary, Charles L.
Collins, Quincy, Rev.
Comerford, Sally and Tony
Cook, Matthew
Cope, Karin and Finlay-de Monchy, Marike
Costello, Candy
Craig, Rod, Athol Forestry Cooperative Limited
Creighton, Hugh
Crimp, Mike
Croft, E.
Cross, John and Nicole
Crouse, Lowell and Edna
Croxall, Peter
Curry, David
DeBay, Alex
Dell, Auriel
deVries, Peter
Dickie, Kenneth
Dinn, Bill

Dolbel, Fred
Driver, Derek
Duffy, Jesse, Athol Forestry Cooperative Limited
Dunford, Allan
Durnford, Matt
Dykens, Robert
Eisele, Helmut, Christa, Alexandra and Felix
Enslow, Steven
Estabrooks, MLA Timberlea-Prospect
Fawson, Frank
Ferguson, Craig and Mary
Fischer, Ruediger
Fisher, Gordon
Fitz-Gerald, Maureen
Fletcher, Alison
Folkins, Mr.
Fownes, Allen C.
Fraser, Charlotte
Fulton, Lorna, Annapolis Valley Real Estate Board
Gilbert, Bordillon
Goff, Paula
Goldman, Steve
Goodwin, Shelley
Greco, Phyllis and Paul
Greek, Jody
Green, John A.
Harris, Bob, Admiral Cove Realty
Haugg, Morris J., QC
Hebb, Richard J.
Hebb, Ann
Hertneck, S
Hines, Don
Holmes, Kenneth
Hoskins, Fred and Susan
Hyson, Lindy
Ineson, Peter
Ingram, Daryl
Irwin, Elizabeth, Royal LePage Atlantic
James, Terry
Jameson, Pat & Dick
Janmaat, John
Jelleau, Lynn
Johnson, H.F.B. (Duke)
Jollimore, Warren L.
Joseph, Charles
Kahn, Arnold
Kennedy, W. Forbes
Kerr, Bruce
Kerr, Barb
Kitz, John
Leary, Charles L.
Leefe, John G., DCL
Leighton, Eric
Lewis, Peter J.
Lux, Gabor
MacDonald, Walt, Walt MacDonald Real Estate Limited
MacDonald, Mary, Nova Scotia Association Realtors
MacDonald, Buddy
MacDonald, Ned, District#3, Inverness County
MacInnis, Veronica
MacKay, Lloyd P., HLM Realties Limited
MacLean, John OS
MacLeod, Jessie
MacNeil, Donald
MacRae, Donald and Beverly
Magee, Willa
Mann, Lane H.
Manuge, Bob
Marshall, Robin, Kings CED Agency
Mathers, Harry I., I.H. Mathers & Sons Ltd.
Meisner, Sharri
Meisner, Burpee
Merkle, Fritz and Ingrid
Mestel, Dr. Peter and Renate
Mickle, Helen

Miller, John F., Nova Developments Ltd.
Miller, Patricia L.
Montag, Walter
Morin, Richard and Vickie
Morton, Birgit and Günther
Mossman, Norman
Moyer, Paula and Daniel and
McCormick, Bill & Cheryl
Mueller-Sparenberg, Holger
Muise, Tom
Municipality of Annapolis
Municipality of Richmond
Municipality of Kings
Municipality of Chester
Municipality of Digby
Municipality of Cumberland
Municipality of Inverness
Municipality of Richmond
Municipality of Lunenburg
Municipality of Victoria
Murley, G. Warren, Athol Forestry
Cooperative Limited
Murray, Peter
Murray, Vernon
Nelles, Jim and Reid, B.J.
Nichols, Beatrice
Nicholson, Ruth Anne
Ohnrich, Walter
Oickle, Brian
Outhouse, Laurence
Page, Judith L.
Parant, Jean-Pierre
Payzant, Roy
Pierce, Hugh and Patricia
Pierce, Maxwell R. (Rick)
Policastro, Nancy
Porter, Faye, Athol Forestry Cooperative
Limited
Price, Phyllis
Publicover, Elizabeth
Quinn, Robert
Raymond, Anne and Bruce
Read, Gordon and Catherine
Richter, Ronald D.
Robicheau, George
Rohdsters, Mr. & Mrs.
Rose, Stan, Mariner-Verfina Real Estate
Ltd.
Rosenthal, Roger and Sara
Rosner, Sara
Sanford, Shaun
Schneider, Heinz and Sieglinde
Schofield, Irene
Schuster, Stefan
Schwind, Henry
Scott, Andrew M. and Anne F.
Seaman, Nina and Robert
Shears, George
Sheehan, Peter
Shelton, Carol Ann and Anthony
Shluker, Steve
Skopp, Dr. K.
Snow, Garnet and Bonita
Sommer, Petra and Johannes
Soudek, Dusan, Canoe Kayak NS
Stephenson, Joan B.
Stone, Lloyd M.
Sutherland, Frank and Landry, Eva,
Richmond PC Assoc. and
Richmond PC Women's Assoc.
Tanner, Geoffrey
Terpin, Ralph
Thompson, Mike
Thomson, Anne, Anne Thomson Realty
Ltd.
Tinkham, Hugh, Yarmouth Real Estate
Board
Tomlinson Peach, Nora
Town of Shelburne
Town of Yarmouth
Treger, Neil, Treger & Associates
Turpin, Eileen

Turpin, Neil

Tutty, W. Yorke, Q.C.

Ulrich

Van Dyke, Stanley

vanDriel, Menno

Veinot, Richard

Walker, George R., Planning Advisory
District 3

Wallace, Perry

Walmark, David

Weagle, Anthony

Wells, Dennis, Athol Forestry
Cooperative Limited

Wentzell, Kay

White, Doug, Exit Inter Lake Realty

Whitehorne, Mary Lou

Whynot, Rhonda, Coldwell Banker, C.R.
Cook's Real Estate

Wilneff, Alan

Wolfe, Phyllis A.

Wright-Tousignant, Christine

Young, F.E.

Young, David H.

Zhola, Tikta

Zondler, Matthias and Sabine

Task Force Members

JAMES W. MOIR, JR., Chairman, Mill Village, Lunenburg County

Jim is a retired businessman who grew up in the Annapolis Valley and now lives in Lunenburg County, Nova Scotia. Having been a Senior Vice-President, Director, and member of the executive committee of Merrill Lynch Canada Inc. in Toronto, he then became the Chairman, President and CEO of Midland Capital Corporation and was the principal architect in the creation of the investment banking firm known as Midland Walwyn Inc. Upon fulfilling his dream of returning to his roots in Nova Scotia in early 1993, Jim assumed the role of President and CEO of Maritime Medical Care Inc., a position he held until the fall of 1998. He is past Chairman of the Board of Directors of a number of community organizations including the Greater Halifax Economic Development Partnership, the Halifax Dartmouth Metro United Way, and the HeartWood Institute. In addition to having been Vice-Chair of the IWK-Grace Health Centre Foundation, he has been a director of the Atlantic Institute of Market Studies, Calmeadow Nova Scotia, and the QEII Health Sciences Centre. Jim has also been a member of the Board of Governors of Acadia University and served on the advisory board of the Dalhousie University School of Business. He has held 11 Corporate Directorships and retains three such positions in his retirement.

ARTHUR BULL, Digby, Digby County

Arthur is the Outreach Coordinator for the Bay of Fundy Marine Resource Centre. He also works as the Coordinator of the Fundy Fixed Gear Council and the Bay of Fundy Inshore Fishermen's Association. He is a Director of the Digby Neck Community Development Association and Chairperson of the Coastal Communities Network. Before becoming an Inshore Fishermen's Representative, he was involved in community-based adult literacy field for 15 years. Arthur is also a musician who has recorded and toured with various groups since the 1970s and is a published poet.

PAM HARRISON, River Hebert, Cumberland County

Pam has chaired the Land Resource Coordinating Council of Voluntary Planning for several years. For the last three years, she chaired the Regional Advisory Council for Lighthouse Alternative Uses in Atlantic Canada. She is the Vice-Chair of the Coastal Community Network and past President of the Rotary Club of Sackville, New Brunswick. Since 1985, she has been involved with Community Economic

Development, both as a Development Officer and Volunteer. Pam is the mother of three and a grandmother of four. Upon graduation from River Hebert Rural High, she enjoyed additional studies at St. Mary's University, St. Frances Xavier University, and the Atlantic School of Theology. Pam works for the United Church of Canada as a gift planner and is responsible for Atlantic Canada and Bermuda. She has traveled extensively to 49 countries, including Russia, Japan, Peru, Australia, New Zealand, Argentina, Europe, Asia, the Scandinavian countries, and the Antartic.

LLOYD GILLIS, Inverness, Inverness County

A former educator, Lloyd taught high school, was a Principal and a Curriculum Supervisor for 31 years. He has a Bachelor of Science, and both a Bachelor and Masters of Education. Lloyd has played an active role in his community in many ways. He was a Councillor for the Municipality of Inverness County for two terms, the founding Chairman of the Inverness Development Association, and a member of the Strait and Area Regional Development Commission. Lloyd was also the Receiving Committee Chairman in Inverness for the Rural and Native Housing Commission, an organization that has built 50 homes. He also served as Deputy Governor of the Kinsmen Clubs of Canada, Zone 3. Lloyd and his wife, Judith, a registered nurse, have two sons.

LAURENCE NASON, Truro, Colchester County

Laurence is currently the Chief Executive Officer of the Nova Scotia Federation of Agriculture, an umbrella farm organization representing the interests of Nova Scotia's 2500 farm businesses. Before assuming that position, he owned and operated Pembrook Farms, a 500-hectare seed stock and forestry business in the Stewiacke Valley. During his years as a farmer, Laurence was involved in the agricultural policy community at both the provincial and national level, and is a past President of the Canadian Angus Association. He also served as Warden of Colchester County for 11 years and is a past President of the Union of Nova Scotia Municipalities. Laurence has an Undergraduate Degree in Recreation from Dalhousie University and Graduate Degrees from the University of Loughbrough (U.K.) and the University of Tilburg (Netherlands).

PAT NELDER, Big Pond, Cape Breton Regional Municipality

Originally from Britain, Pat moved to Montreal in 1967 where she attended school and graduated from Concordia University with a BFA. In 1979, she and her husband lived on the Netherlands Antilles Island of St. Maarten where they ran a successful marine chandlery. Pat moved to Cape Breton in 1989. She runs her own seasonal charter boat company and assists her husband with a boat design and construction operation. Pat is also pursuing MBA studies in Community Economic Development at the University College of Cape Breton. She is currently working on a national

recreational marine marketing project with several provincial associations across the country. Pat has two children.

ALASDAIR SINCLAIR, Halifax, Halifax County

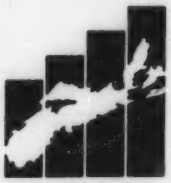
Alasdair Sinclair was born in Prince Edward Island and moved to Nova Scotia at an early age. He attended schools in Whitney Pier and Halifax and Dalhousie, Oxford, and Harvard Universities. He obtained a Ph.D in Economics from the latter and taught economics at Dalhousie for more than 30 years, with a focus on Macroeconomics and International Trade. From 1983 to 1988, he was a Vice-President of the University and retired from Dalhousie in 1994. Alasdair has travelled extensively as an Economist, working on assignments for the World Bank, the Canadian International Development Agency, and several Canadian universities. At present, he is involved in a trade policy project in the Caribbean. He has also written on Canadian and regional economic issues and is a past President of the Atlantic Canada Economics Association.

DIANNE THERIAULT, Waterford, Digby County

Dianne is the Owner/Operator of Petite Passage Whale Watch in East Ferry. She is a Director and past Chair of the Digby Neck Community Development Association, a volunteer group. As well, Dianne is the Executive Secretary of Digby Area Learning Association (DALA) and the Vice-Chair the Digby Area Theater Society, a community-based group to look after the theater in the new High School in Digby. She is a member of the Tourism Industry Association of Nova Scotia and the Evangeline Trail Tourism Association. Dianne is a past Member of the Western Valley Tourism Action Committee and currently the Chair of the Digby Neck and Islands Eco-Tourism Committee. She also sits on some ad hoc committees, including one concerning oil and gas exploration in the Bay of Fundy, the Bay of Fundy Product Club, and the Bay of Fundy Whale Watchers Association.

TONY WALTERS, Lunenburg, Lunenburg County

Best known in Nova Scotia for his 20-year career in real estate and his reputation for International Marketing, Tony Walters was born in Melbourne, Florida, in 1947 and raised in the mountains of North Carolina. He first came to Nova Scotia in 1965 to attend St. Francis Xavier University for a year before spending a year at the University of the Americas in Mexico City. After serving four years in the United States Marine Corps–including service in Viet Nam–Tony studied for two years at Montana State University. He returned to Nova Scotia in 1974 and moved to the South Shore around 1981. Tony and his wife, Barbara Claussen, are Partners in Claussen Walters & Associates, the exclusive Nova Scotia affiliates of Sotheby's International Realty. The firm has offices in Lunenburg and Chester. Tony has five children.



About Voluntary Planning

APPENDIX 5

Mission

To measurably improve the social and economic well-being of all Nova Scotians by providing the Premier and Cabinet with valuable volunteer and citizen-based advice on relevant policy issues for today and the future.

Our History

Voluntary Planning was established in 1963 as the Government's sole economic planning agency. It was created based on a European model which was then modified for implementation in Nova Scotia. Among other responsibilities at that time, Voluntary Planning members took on the challenge of business planning for a variety of economic sectors culminating in a Provincial Economic Strategy.

By 1970 individual government departments had to a large extent internalized the function of economic planning, and Voluntary Planning's mandate shifted to that of policy advisor, arm's length to government. For the next number of years the organization has made valuable contributions by providing a partnership platform for business and labour in the policy arena.

Today the relationship between government and the people is again shifting. And accordingly so has Voluntary Planning. Citizens increasingly want to participate in shaping their future. Perhaps this comes from a sense of frustration posed by globalization and the need to gain more control over their own destiny. If so, this desire has been encouraged and supported by the increased flow of information and the access that information technology provides.

The Voluntary Planning of today provides an access platform to public policy development for business, labour, academe, social planners, those concerned with the environment, and citizens throughout Nova Scotia. The organization includes the tag line ... a Citizens' Policy Forum. Through an independent Board, we bring forward the concerns and desires of Nova Scotians in shaping policy advice to Government.

Structure & Reporting Relationship

The Voluntary Planning organization consists of an independent Board of leading citizens from the private and non-governmental sectors. Mr. Jim Eisenhauer, President of ABCO Industries and resident of Lunenburg, is currently our Board Chairperson.

Strategic and administrative leadership is provided by Voluntary Planning's CEO Mr. Leo Dillman. A full time staff of three sector coordinators and two administrative personnel support the work of hundreds of loyal volunteer members.

Members participate in policy discussions important to the future of the Province through their participation on Task Forces, Project Teams, and Sector committees representing a broad spectrum of society.

The Voluntary Planning Board reports to the Premier and Executive Council through the Ministry of Treasury & Policy Board–Nova Scotia's central planning agency.

Our organization receives its core funding from the Province of Nova Scotia.

Voluntary Planning consists of three main elements:

- Volunteerism–Nova Scotians giving back to society
- Citizen Participation–Planning is a democratic process
- Outcome Measures–What really matters and impacts on quality of life

In our work we hold in high regard and adhere to the following principles of operation:

- Consensus
- Inclusiveness
- Arm's Length
- Non-partisan
- Collaborative
- Consultative

Our Current Priorities:

- Non-Resident Land Ownership Task Force
- Promotion of Lifelong Learning
- Promotion of a Long Term Vision for Nova Scotia
- Expansion of organization's influence to areas of social concern

Contacts

Jim Eisenhauer, Chair

Phone: 424-5682

E-mail: volplan@gov.ns.ca

The Chair of Voluntary Planning provides leadership and direction to the Board and the organization at large.

Leo Dillman, CEO

Phone: 424-8643

E-mail: dillmalg@gov.ns.ca

The CEO leads Voluntary Planning at both the strategic and operational levels

Voluntary Planning

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